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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR       | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------------|---------------------|------------------|
| 09/681,621      | 05/10/2001  | Kenneth Brakeley Welles II | 0391999515-0        | 4659             |

23409 7590 12/23/2003

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |   |  |  |
|---|---|--|--|
| <b>Ex Parte Reexamination Interview Summary</b> | <b>Control No.</b><br>09/681,621          | <b>Patent Under Reexamination</b><br>WELLES ET AL. |  |
|   | <b>Examiner</b><br>Edwin C. Holloway, III | <b>Art Unit</b><br>2635                            |  |

All participants (USPTO personnel, patent owner, patent owner's representative):

- (1) Edwin C. Holloway, III (3) \_\_\_\_\_  
 (2) Julie A. Haut (4) \_\_\_\_\_

Date of Interview: 18 December 2003

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal (copy given to: 1) ☐ patent owner 2) ☐ patent owner's representative)

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.  
 Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: 1,39,52 and 53.


Identification of prior art discussed: Crimmins (US 5917425) and Fuller (US 5694453).

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:  
See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN **ONE MONTH** FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

cc: Requester (if third party requester)

  
 Examiner's signature, if required

Continuation of Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed proposed amendment to include physiological telemetry data and regularly sending by the transmitter in the independent claims. The examiner stated that it appears that these limitations are not in Crimmins and Fuller patents, but further review of the reference and further search are required. The examiner recalled that similar limitations were included in Serial No. 09/275205 that was discussed with applicant's representative in an earlier interview. It was suggested that an IDS with any relevant references cited in that case be filed in the instant application. The examiner pointed out that the discussion in fig. 12 of in paragraphs [0046] and [0047] includes physiological data, but periodic transmitting only appear to be in the discussion of fig. 11 in paragraph [0045]. Applicant is further informed that the proposal included a processor to combine data in claim 1, but fig. 12 shows a processor 150 controlling a separate combiner 148. The amendment will be considered when formally submitted.